

REMARKS

Claims 1-3, 5-19, and 21-24 are pending and stand rejected. Claims 17 and 21 are amended by way of this amendment to clarify the subject matter of the invention. All pending claims, as amended, as well as the newly added claims are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Rejection Under 35 U.S.C. §102(a)

Claims 17-19 stand rejected under 35 U.S.C. §102(a) as being anticipated by applicant's admitted prior art (FIG. 1).

Independent claim 17 is amended to clarify that the derived voice over data termination device is a device that converts between base band signals and derived voice over data signals utilizing derived voice over data technology. Independent claim 17 generally recites a derived voice over data packet network that includes a derived voice over data termination device located in a wire center and coupled to a client premise over a single metal wire pair, a derived voice over data switch coupled to the derived voice over data termination device and to a PSTN, and a DSL access multiplexer (DSLAM) coupled between the derived voice over data termination device and the derived voice over data switch.

In FIG. 1, the device serving as a derived voice over data termination device is the VO-ATM CPE 110 at the client premise 102. The MDF 120 in the central office 104, in contrast, is a main distribution frame that "simply serves to aggregate twisted pairs of copper phone lines from various client premises." (See specification as page 8, lines 12-15). In other words, the MDF 102 does not terminate the derived voice over data signals and thus is not a derived voice over data termination device. Instead, it is the VO-ATM CPE 110 in FIG. 1 that terminates the derived voice over data signals in that it converts the derived voice over data signals to and from base band signals that can be transmitted to and from the conventional base band telephones. Thus, it is the VO-ATM CPE 110 (at the client premise 102) that is serving as the derived voice over data termination device in FIG. 1.

To illustrate further, in the outbound direction, the convention telephone transmits base band signals to the VO-ATM CPE 110 at the client premise which converts the base band signals to derived voice over data signals. The derived voice over data signals are transmitted over the

DSL loop 118 to the DSLAM 122 via the MDF 120. In other words, the derived voice over data signals are not terminated, i.e., converted back to base band signals, once the derived voice over data signals leave the VO-ATM CPE 110.

In the inbound direction, derived voice over data signals are transmitted from the DSLAM 122 over the DSL loop 118 to the VO-ATM CPE 110 via the MDF 120. Again, only after the derived voice over data signals have been received by the VO-ATM CPE 110 are the derived voice over data signals converted to base band signals to be further transmitted to the conventional base band telephones at the client premise 102.

Thus FIG. 1 neither discloses nor suggest that the derived voice over data termination device is located in a wire center. Thus FIG. 1 fails to anticipate the inventions of claims 17-19. Withdrawal of the rejection of independent claim 17 and claims 18 and 19 dependent therefrom under 35 U.S.C. §102(a) is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 1-3, 5-16 and 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art (FIG. 1).

However, as the Examiner notes, FIG. 1 does not include a derived voice over data termination device that converts between base band signals and derived voice over data signals using derived voice over data technology and is located outside of the client premise, nor does FIG. 1 disclose or suggest an analog frequency connection between the client premise and the derived voice over data termination device. FIG. 1 further fails to disclose or suggest that the DSLAM is coupled to the derived voice over data termination device.

The Examiner contends that it would have been obvious, from FIG. 1, to modify the network of FIG. 1 to those described in independent claims 1 and 21. However, FIG. 1 fails to provide any motivation for such varied and extensive modifications. The Examiner contends that the motivation would have been to convert base band analog voice signals from the ADSL CPE into derived voice over data signals in order to provide cost savings call connection to a customer connecting to a base band analog voice port of the ADSL. The Examiner provides the example of a case where the ADSL CPE does not have enough derived voice over data ports to support an additional derived voice over data customer.

However, the prior art shown in FIG. 1 already provides that the CPE 110 converts base band analog voice signals into derived voice over data signals. The configuration as claimed enables a customer to subscribe to voice over data technology without having voice over data equipment at the client premise and without having a voice over data line between the client premise 302b and the central office. In other words, the local loop between the client premise 302b and the central office 304 can remain an analog or base band loop 318b as shown in FIG. 3. FIG. 1 fails to provide any suggestion for such modification. Rather, it is generally much more cost effective to provide a high number of ports supporting derived voice over data in the ADSL CPE 110 (FIG. 1) particularly as conventional networks do not provide support for converting derived voice over data signals outside of the client premise.

In view of the foregoing, withdrawal of the rejection of claims 1-3, 5-16 and 21-24 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **50-1217** (Order No. **COVDP001**).

Respectfully submitted,



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